

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ROBERT THACKSTON,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	CIVIL ACTION NO. SA-24-cv-00276-FB
	§	
DANIEL P. DRISCOLL, Secretary of the Army,	§	
	§	
<i>Defendant.</i>	§	
	§	

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 39), filed on June 16, 2025, concerning Defendant Daniel P. Driscoll's Motion for Judgment on the Pleadings. To date, no objections to the Report and Recommendation have been received.<sup>1</sup>

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 39) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant's Motion for Judgment on the Pleadings (docket no. 31) is GRANTED in PART and

---

<sup>1</sup> Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

DENIED in PART such that Plaintiff's claim for monetary damages is DISMISSED.

It is so ORDERED.

SIGNED this 24th day of July, 2025.



The image shows a handwritten signature in blue ink, which appears to read "Fred Biery". Below the signature, there is a horizontal line. Underneath the line, the name "FRED BIERY" is printed in a standard black font, followed by "UNITED STATES DISTRICT JUDGE" in a slightly smaller font.

FRED BIERY  
UNITED STATES DISTRICT JUDGE